

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MARC CURTIS

Plaintiff(s),

-against-

08-cv-2795 (HB)

**PLAINTIFF'S INITIAL
DISCLOSURES**

THE CITY OF NEW YORK,
P.O. CESAR CASTILLO,
Shield No. 18545, Tax Registry No. Unknown,
"John Doe" and "Ronald Roe"
and various other unknown officers of the
NEW YORK CITY POLICE DEPARTMENT

Defendants.
-----X

Plaintiff, Marc Curtis, by his attorneys, Kreisberg & Maitland, LLP, as and for his
initial disclosure pursuant to Rule 26(a)(1), Fed.R.Civ.P., stats as follows:

1. Names and addresses of individuals likely to have discoverable information.

a. Plaintiff, Marc Curtis, 1325 Rosedale, Bronx, New York 10472

b. Defendant, P.O. Cesar Castillo, Manhattan North Anti-Crime, 530 West 126th
Street, New York, New York, 10027 and/or NYPD, 1 Police Plaza, New York New York,
10038.

c. Police Officer Johanna Urena, NYPD, 1 Police Plaza, New York, New York, 10038

2. Documents -

a. Notices of Claim for plaintiff, filed February 22, 2007 and April 18, 2007,

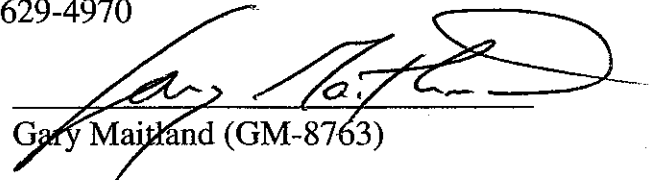
annexed hereto as Exhibit "A".

- b. Criminal Complaint against Marc Curtis, Docket No. 2006NY086610,
annexed hereto as Exhibit "B".

Dated: New York, New York
July 11, 2008

KREISBERG & MAITLAND, LLP
Attorneys for Plaintiffs
14 Penn Plaza
New York, New York 10122
(212) 629-4970

By:


Gary Maitland (GM-8763)

TO: City of New York
Corporation Counsel
100 Church Street
New York, New York 10007
ATTN: Joyce Campbell Priveterre, Esq.

X13-Notice of Claim against The City of New York:
Section 50e General Municipal Law, 6-83

In the Matter of the Claim of

MARC CURTIS

against

THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, P.O. CESAR CASTILLO, Shield No. 18545, and VARIOUS UNKNOWN NAMED POLICE OFFICERS

TO: COMPTROLLER OF THE CITY OF NEW YORK

PLEASE TAKE NOTICE that the undersigned claimant hereby makes claim and demand against the City of New York, as follows: [Office of the Comptroller requests the following additional information: in Section 2, specific defect (e.g. pothole), if applicable; in Section 3, street address wherever possible.]

1. The name and post-office address of each claimant and claimant's attorneys is:

Marc Curtis
Claimant
1325 Rosedale Avenue
Bronx, NY 10472

Kreisberg & Maitland, LLP
14 Penn Plaza at
225 West 34th Street, Suite 1000
New York, New York 10122
(212) 629-4970

2. The nature of the claim:

False arrest, excessive use of force, unlawful imprisonment, malicious prosecution, negligence, assault, battery, negligent hiring, training and supervision of involved police officers, violation of state and federal civil rights

3. The time when, place where and the manner in which the claim arose:

On December 19, 2006, at approximately 11:30 p.m., in the vicinity of 204th Street and Nagle Avenue in New York, New York, Police Officer Cesar Castillo, Shield No. 18545 of the 34th Precinct and approximately three other police officers whose names are unknown, did wrongfully and unlawfully place hands on Marc Curtis, handcuffing and arresting Marc Curtis without any probable cause to do so. Mr. Curtis was then transported to the 34th Precinct, then to Central Booking and was not released from custody until he was arraigned on December 21, 2006 at approximately 6:00 p.m., over forty (40) hours later. Mr. Curtis was charged with crimes he did not commit and if forced to defend to this day under Docket No. 2006NY086610.

4. The items of damage or injuries claimed are:

physical and psychological and emotional injuries


TOTAL AMOUNT CLAIMED: NOT LESS THAN TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00 Minimum)

RECEIVED
CITY OF NEW YORK
07 FEB 22 PM 5:29
COMPTROLLER'S OFFICE
CENTRAL INFORMATION
BUREAU SYSTEMS

The undersigned claimant therefore presents this claim for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.

Dated:


MARC CURTIS


~~KREISBERG & MAITLAND, LLP~~
Attorneys for Claimant
14 Penn Plaza at
225 West 34th Street, Suite 1000
New York, New York 10122
(212) 629-4970

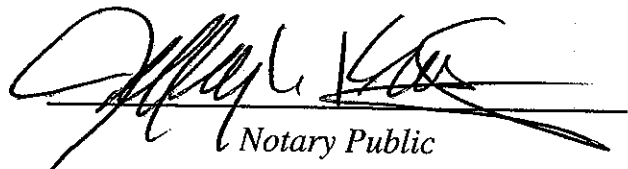
INDIVIDUAL VERIFICATION

State of New York, County of New York ss.:

MARC CURTIS

being duly sworn, deposes and says that deponent is the claimant in the within action; that he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

Sworn to before me, this
20th day of February, 2007


Notary Public

JEFFREY L. KREISBERG
Notary Public, State of New York
No. 02KR4962731
Qualified in Suffolk County
Commission Expires Feb. 26, 2010

X13-Notice of Claim against The City of New York:
Section 50e General Municipal Law, 6-83

In the Matter of the Claim of

MARC CURTIS

against

THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, P.O. CESAR CASTILLO, Shield No. 18545, and VARIOUS UNKNOWN NAMED POLICE OFFICERS

TO: COMPTROLLER OF THE CITY OF NEW YORK

PLEASE TAKE NOTICE that the undersigned claimant hereby makes claim and demand against the City of New York, as follows: [Office of the Comptroller requests the following additional information: in Section 2, specific defect (e.g. pothole), if applicable; in Section 3, street address wherever possible.]

1. The name and post-office address of each claimant and claimant's attorneys is:

Marc Curtis
Claimant
1325 Rosedale Avenue
Bronx, NY 10472

Kreisberg & Maitland, LLP
14 Penn Plaza at
225 West 34th Street, Suite 1000
New York, New York 10122
(212) 629-4970

2. The nature of the claim:

False arrest, excessive use of force, unlawful imprisonment, malicious prosecution, negligence, assault, battery, negligent hiring, training and supervision of involved police officers, violation of state and federal civil rights

3. The time when, place where and the manner in which the claim arose:

On December 19, 2006, at approximately 11:30 p.m., in the vicinity of 204th Street and Nagle Avenue in New York, New York, Police Officer Cesar Castillo, Shield No. 18545 of the 34th Precinct and approximately three other police officers whose names are unknown, did wrongfully and unlawfully place hands on Marc Curtis, handcuffing and arresting Marc Curtis without any probable cause to do so. Mr. Curtis was then transported to the 34th Precinct, then to Central Booking and was not released from custody until he was arraigned on December 21, 2006 at approximately 6:00 p.m., over forty (40) hours later. Mr. Curtis was charged with crimes he did not commit and was forced defend under Docket No. 2006NY086610 until all charges were dismissed on March 27, 2007.

4. The items of damage or injuries claimed are:

physical and psychological and emotional injuries

TOTAL AMOUNT CLAIMED: NOT LESS THAN TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00 Minimum)

07 APR 18 2008

RECEIVED
OFFICE OF THE COMPTROLLER
CITY OF NEW YORK

RECEIVED
OFFICE OF THE COMPTROLLER
CITY OF NEW YORK
07 APR 18 2008
SYSTEM

The undersigned claimant therefore presents this claim for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.

Dated: 4/12/07

Marc R. Curtis

MARC CURTIS

[Signature]
KREISBERG & MAITLAND, LLP
Attorneys for Claimant
14 Penn Plaza at
225 West 34th Street, Suite 1000
New York, New York 10122
(212) 629-4970

RECEIVED
NEW YORK
07 APR 18 AM 10:36
COMPTROLLER'S OFFICE
TELECOMMUNICATIONS
INFORMATION
SYSTEM

INDIVIDUAL VERIFICATION

State of New York, County of New York ss.:

MARC CURTIS

being duly sworn, deposes and says that deponent is the claimant in the within action; that he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief; and that as to those matters deponent believes it to be true.

Marc R. Curtis
MARC CURTIS

Sworn to before me, this
13th day of April, 2007


[Signature]
Notary Public

GARY MAITLAND
Notary Public, State of New York
No. 4714366
Qualified in New York County
Commission Expires March 30, 2010

RECEIVED
NEW YORK
07 APR 18 AM 10:36
COMPTROLLER'S OFFICE
TELECOMMUNICATIONS
INFORMATION
SYSTEM

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

Page 1 of 2

THE PEOPLE OF THE STATE OF NEW YORK -against- 1. Marc Curtis (M 40)  712600 Defendant.	MISDEMEANOR
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------

Police Officer Cesar Castillo, shield 18545 of the 034 Precinct, states as follows:

On December 19, 2006, at about 23:25 hours at 562 Academy Street in the County and State of New York, the Defendant committed the offenses of:

1. PL140.15 Criminal Trespass in the Second Degree
(1 count)
2. PL265.01(1) Criminal Possession of a Weapon in the Fourth Degree
(1 count)

the defendant knowingly entered and remained unlawfully in a dwelling; and the defendant possessed a gravity knife.

The offenses were committed under the following circumstances:


Deponent states that while on patrol inside the above location, an apartment building where people reside, deponent observed the defendant inside the lobby of the dwelling beyond the vestibule and that said location is beyond a posted sign which read, "No Trespassing", "Tenants and their Guests Only" and "in part. Anyone who remains unlawfully upon these premises will be prosecuted".

Deponent further states that defendant is not a tenant in that the defendant provided an address different from the above location and defendant is not an invited guest in that the defendant was unable to provide the identity of a resident of whom defendant was an invited guest.

Deponent determined that the defendant did not have permission or authority to be inside the dwelling based on information and belief the source of which is as follows: the attached owner's/managing agent affidavit.

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

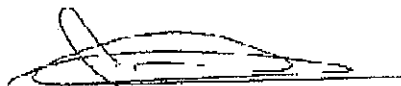
Page 2 of 2

THE PEOPLE OF THE STATE OF NEW YORK -against- 1. Marc Curtis (M 40)  712600 Defendant.	MISDEMEANOR
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------

Deponent states that deponent is informed by Police Officer Johanna Urena, shield # 8512 of the 34 Precinct, that informant recovered a gravity knife from defendant's belt.

Deponent further states that deponent is informed by informant that said knife was a gravity knife because informant opened the knife with centrifugal force by flicking informant's wrist while holding the knife, and the blade in the open position. Deponent further states that deponent is informed by informant that said knife does not require manual locking.

False statements made herein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law.


Deponent

12/20/06 2:55 PM
Date and Time

ACT 5 Version 4.2.0 Created on 12/10/06 7:12 PM

New York County
Misdemeanor ComplaintThe People of the State of New York
vs.

Defendant:

1. MARC CURTIS (M 40)
M06700543 12/19/2006 23:25
1325 ROSEDALE AVE
BRONX NY

Charges:

PL140.15
PL265.01(1)

Docket Number:

2006NY086610



AR2

2.

3.

4.

Interpreter: Language _____

Screener: Chiara, John - Trial Bureau 40

Notices Served at Arraignment:

- ☐ CPL 710.30(1)(A) - Statement
☐ CPL 710.30(1)(B) - Identification
☐ CPL 250.20 - Alibi
☐ PL 450.10(48 hrs /15 days) - Property
☐ CPL 170.20 - Grand Jury
☐ Cross Grand Jury
☐ OTHER: _____

Documents:Served at Arraignment:

- ☐ Supporting Deposition
☐ DMV Abstract
☐ Lab Report/ Field Test
☐ DWI Paperwork
☐ Domestic Incident Report
☐ Family Registry
☐ Underlying T.O.P.

Needed For
Conversion

- ☐
☐
☐
☐
☐
☐
☐

Adjournment:

Part: _____ Date: _____

Bail Condition:

(Ins. Co. Bail Bond) (Cash Bail)

- ☐ ART 730 Exam Ordered
☐ Protective Custody
☐ Medical Attention
☐ Psychiatric Evaluation
☐ Suicide Watch
☐ Deemed an information
 Defense Motions Due: _____

☐ T.O.P./ F.O.P.Disposition:

- ☐ ACD - CPL 170.55
☐ ACD - CPL 170.56
☐ Waives Prosecution by Information
 and Pleads Guilty to
 PL 240.20/ _____
☐ Investigation & Sentenced Ordered
☐ DNA-Eligible Misdemeanor
☐ DNA Sample Taken

Sentence (or Promise):

_____ days jail

Conditional Discharge:

_____ Days Community Service
 _____ Days Jail Alternative

Other: _____Mandatory Surcharge (and CVA):

- ☐ Judgment Entered - All Fees
☐ \$160 Misd. ☐ \$95 Viol. ☐ \$50 VTL
☐ \$185 VTL1192 Misd. ☐ \$75 VTL1192(1) Infrac.
☐ \$50 - DNA Fee

Arresting Officer

Court Reporter

Date

Part

034 Precinct18545Cesar Castillo

Judge _____

